

Organised by:



MBAM

In collaboration with:



Endorsed by:



chartered  
ICES

Nine Full Day Sessions Training Programme 2019 on

# PRACTICAL CONSTRUCTION CONTRACT ADMINISTRATION/MANAGEMENT

Venue: MBAM Training Centre

## Essential topics featured for this training

This nine full day sessions training is a **Continuing Professional Development (CPD)** programme will be of interest to everyone involved in the Construction Industry.

*New Series include PAM Contract 2018 & AIAC 2019 Standard Forms*

## Training topics include:

- ◆ Bonds and Insurances
- ◆ Construction Contract Law Principles
- ◆ Dispute Resolution/ Avoidance
- ◆ Effective Project and Risk Management
- ◆ Extension of Time
- ◆ Health and Safety at Work
- ◆ Instructions and Variations
- ◆ Loss and/or Expense
- ◆ Payments, Final Account and CIPAA
- ◆ Practical Completion and Defects
- ◆ Principles of Measurement and BQ Preparation
- ◆ Procurement Systems and Contractual Arrangements
- ◆ Subcontracting
- ◆ Tender and Contract Documentation and Obligations
- ◆ Termination and Determination
- ◆ Value Management

**10 CCD POINTS**



This training course is endorsed and recognized by ICES. Participants who attend at least six of the nine sessions will be eligible for advice from BK SURCO as to their potential for ICES membership and guidance with their applications for membership, subject to meeting the requirements for particular membership grades.

For further information, please visit: <https://www.cices.org>

## Objectives

On 10<sup>th</sup> October 2017, MBAM and ICES have signed a Memorandum of Understanding to identify ways that MBAM and ICES may co-operate on matters in common relating to building and civil engineering surveying.

In view of the needs for players and personnel in the construction industry to continually acquire relevant knowledge and experience, this training programme has been designed by combining construction contract and technical knowledge with practical experience and skills through training/lectures with practical and work related discussions.

There are nine (9) comprehensive training sessions in this programme, covering a wide spectrum of construction contract administration and management topics, including updates related to construction case law, which affect and are of interest to the various industry players. In addition, at the end of each session, there will be a Workshop/Q&A discussion relating each topic presented.

Most sessions are stand-alone session, based on BK Entrusty series of construction contract and management articles in areas of project, commercial, contracts, risks, quality, value and the like, published in MBAM Journal since 2002 until 2018. Primary reference will be made to the Malaysian standard forms of contract i.e. PAM, IEM, JKR, CIDB and common international contract, the New Engineering Contract (NEC). Peripheral reference will be made to the new Malaysian contract, PAM Contract 2018 and AIAC Standard Form of Building Contract 2019 Edition. Participants are encouraged to raise their contractual issues/problems for discussion during Workshop/Q&A session.

## About the Institutions

The **Chartered Institution of Civil Engineering Surveyors (ICES)** is a professional institution in the field of civil engineering surveying. ICES members consist mainly of quantity surveyors and geospatial engineers working and studying within civil engineering surveying. ICES is an internationally recognised qualifying body established to regulate, educate and train surveyors working within civil engineering. ICES has its headquarters in the United Kingdom with 11 regions each consisting of volunteer-led committee members and is a member of the International Federation of Surveyors (FIG).

**Master Builders Association Malaysia (MBAM)** plays an important role in the development and advancement of the construction industry in Malaysia. For the past few decades or so, MBAM have represented Malaysia's construction industry during various key phases on its path to success. MBAM also have earned international recognition through our affiliations with the International Federation of Asian and Western Pacific Contractors Association (IFAWPCA) and the ASEAN Constructors Federation (ACF). MBAM membership has extended to 140 entities directly and indirectly linked to the construction industry which effectively represent a single unifying voice to the relevant government authorities and various professional bodies.

**BK SURCO Training** is an incorporated joint venture between BKAsiaPacific ("BK"), the Hong Kong based Consultancy, providing Project Management, Commercial and Contract Management and Quantity Surveying Services to the Hong Kong and International Construction Industries, and SURCO Ltd, the information business of the Chartered Institution of Civil Engineering Surveyors ("ICES"). BK SURCO Training was founded as the International Training Company of Chartered ICES to provide commercial training resources, advice and help for employers of construction personnel, especially those working in civil engineering, and for individuals engaged in commercial activities within the construction industry.

## Speakers' Profile



### Sr ONG HOCK TEK ("HT")

*Arbitrator/Adjudicator/Mediator/Reg. QS*

*Cert. Constr. PM/VM Practitioner/Master Trainer*

*BSc(Hons) MSc MBA DipM DiplC Arb MMIM MIVMM MIVMA*

*FCIOB FRICS FCInstCES FCIArb FSI Arb FMIArb FMSAdj FRISM ICECA*

**Managing Director, BK Entrusty**

Sr Ong Hock Tek ("HT") is a Fellow of eight professional institutions, a well qualified multi-disciplinary and specialist consultant, experienced in pre and post contract quantity surveying duties, commercial and contractual administration / management of various types of construction projects, gained from over 25 years of working experience with architectural practice, quantity surveyors, project managers, civil engineering and building contractors and specialist consultants.

His specific experience and expertise include project and contracts management/administration, claims preparation /defense, risks and value management, specializing in alternative dispute resolution, particularly in arbitration advisory and support services, documentation and proceedings. He also acts as an Arbitrator, Mediator and/or Negotiator on technical, commercial and contractual disputes/differences between the contracting parties, at both main and sub-contract levels on various types of project in the construction industry.

Being a Master Trainer, he has organised and delivered in many public and in-house conferences, seminars and workshops for professional institutions and private/public listed companies on several subject areas, in particular construction contracts, ADR, risks and value management. He has also lectured part-time for bachelor and master degree programmes in the same areas for several years and has been a regular contributor to the Master Builders Journal on construction contract and management issues since 2002.

# Training Outline Contents

**SESSION 1 (Wednesday, 27<sup>th</sup> March 2019)****Payments, Final Account and CIPAA**

- Interim Claims, Valuation and Certification Procedures
- Employer's Obligation to Pay
- Set-Offs
- Fluctuations
- Quantum Meruit
- Retention Sums
- Final Account Preparation and Settlement
- Effect of Interim and Final Certificate
- Construction Industry Payment and Adjudication Act (CIPAA) 2012
  - Definition of Payment
  - Disputes under CIPAA
  - Updates
  - Case Law

**Workshop/Q&A****SESSION 4 (Wednesday, 24<sup>th</sup> July 2019)****Loss and/or Expense**

- Claims and Damages
- Grounds
- Notification
- Submission
- Claims Documentation
- Evaluation
- Head Office Overheads
  - Contractual Definition
  - Case Law
  - Formula Methods
  - Calculation Samples
- Additional Preliminaries
  - Standard Forms
  - Contract Basis
  - Pro-rate Basis
  - Formula Basis
  - Negotiation Basis
  - Timing Methods
- Global Claim

**Workshop/Q&A****SESSION 7 (Wednesday, 16<sup>th</sup> October 2019)****Tender/Contract Documentation and Obligations**

- Tender and contract documents
- Tender process and procedure
- Letter of Intent and formation of contract
- Obligations and liabilities

**Principles of Measurement and BQ Preparation\***

- Principles of how Malaysian Standard Method of Measurement of Building Works (SMM2) and Malaysian Standard Method of Measurement for Civil Engineering Works (CESMM) works
- Terminology
- Particular features of SMM2 and CESMM
- Bill of Quantities and structure

\* May involve guest speaker

**Value Management (VM)**

- VM & Philosophy
- Benefit of VM
- Job Plan Methodology
- VM Implementation
- Soft VM –Value Managed Quality System

**Workshop/Q&A****SESSION 2 (Thursday, 2<sup>nd</sup> May 2019)****Instructions and Variations**

- Instructions
- Instructions ≠ Variations
- The Needs for Variations
- Definition of Variations
- Variations' Instruction
- Valuation of Variations
- Variations Claims

**Practical Completion and its Certification**

- Practical Completion
  - Effects of CPC
  - Conditional CPC
  - Substantial Completion
  - Sectional Completion
  - Partial Completion
  - Handover
  - Non Completion
- Defects
  - Patent and Latent Defects
  - Outstanding/Non-compliant Works
  - Liabilities
  - Defects Management

**Workshop/Q&A****SESSION 5 (Wednesday, 21<sup>st</sup> August 2019)****Termination and Determination**

- Introduction
- Determination of Employment
  - by Employer
  - by Contractor
- Termination of Contract
  - Termination for Convenience
  - Termination at Common Law
  - Frustration
  - Repudiation

**Dispute Resolution/Avoidance**

- Nature of construction disputes
- Dispute resolution procedures under construction contracts
- Types of ADR and processes
  - Negotiation
  - Mediation
  - Adjudication
  - Arbitration
- Preparation and documentation for dispute resolution

**Workshop/Q&A****SESSION 8 (Wednesday, 13<sup>th</sup> November 2019)****Subcontracting**

- What is Subcontracting?
- Why Subcontracting?
- Pertinent Subcontract Provisions under Various Main Contracts and Subcontracts
- Pertinent Issues and Implications
  - Obligations and Liabilities
  - Commencement / Completion Period
  - Instructions and Variations
  - Extension of Time
  - Practical Completion and Non-Completion
  - Loss and/or Expense
  - Payments & Set Offs
  - Defects

**Health and Safety at Work\***

- Basic Health and Safety Requirements
- Health and Safety Statutory and Contractual Provisions
- Attitudes on site
- Risk assessments and method statements

\* May involve guest speaker

**Workshop/Q&A****SESSION 3 (Wednesday, 19<sup>th</sup> June 2019)****Extension of Time**

- Delay Categories
- Commencement, Progress and Completion
- Grounds/Events
- Procedures for claiming extension of time
- Force Majeure
- Inclement Weather
- Planning and Programming
- Claim Procedures & Assessment
- Mitigation of Delay
  - What are Expedition, Mitigation and Acceleration?
  - Comparison of Expedition, Mitigation and Acceleration
  - Doctrine of Constructive Acceleration
- Progressing with Works Regularly and Diligently

**Workshop/Q&A****SESSION 6 (Wednesday, 18<sup>th</sup> September 2019)****Construction Contract Law Principles**

- The Malaysian Legal System
- Essential Legal Aspects of Contracts
- Remedies for Breach of Contracts and Torts
- Particular Aspects of Building and Construction Contracts
- Salient Provisions in Building and Construction Contracts

**Procurement Systems and Contractual Arrangements**

- Types of procurement system
  - Traditional or Conventional
  - Design & Build/Construct
  - Management Contracting
  - Project Management
  - Package Deal or Turnkey
  - Build, Operate & Transfer (BOT)
  - Public Private Partnership (PPP/PFI)
- Selection of procurement system
- Types of contractual arrangement
- Forms of contract
- Contract strategy and selection

**Workshop/Q&A****SESSION 9 (Wednesday, 18<sup>th</sup> December 2019)****Effective Project and Risk Management**

- Project Management
- Contract Management vs Contract Administration
- 12 Essential Ingredients/ Elements
  - Client and its Objectives and Priorities.
  - Project Nature and Characteristics.
  - Project Team.
  - Project Risks Appraisal and Management
  - Building Procurement System.
  - Contractual Arrangement
  - Organisation Structure.
  - Planning
  - Monitoring and Control Systems.
  - Information Recording and Retrieval Systems.
  - Manage Change
  - Commercial/Business and Human Relations.

**Bonds and Insurances**

- Insurance Principles/Requirements
- Types of Insurance
- Procedure for Claims Notification
- Common Problems in Insurance Claims
- Bonds and Guarantees
- On-Demand Bond vs Performance Bond

**Workshop/Q&A**



# Registration Form

**Please submit your form to:**

Master Builders Association Malaysia  
No.2, Jalan 2/109E,  
Desa Business Park,  
58100, Kuala Lumpur

Contact : Mr Lenny Lim  
/ Ms Chew Chee Yan  
Tel : 03-7984 8636  
Fax : 03-7982 6811  
Email : mbam01@mbam.org.my  
mbam28@mbam.org.my

**Early Bird registration  
extended to  
22<sup>nd</sup> April 2019!**

Session					1	2	3	4	5	6	7	8	9	
No	Name	Identity Card (IC) No.	Profession/ Designation	Member No.	27 Mar (Wed)	2 May (Thu)	19 Jun (Wed)	24 Jul (Wed)	21 Aug (Wed)	18 Sep (Wed)	16 Oct (Wed)	13 Nov (Wed)	18 Dec (Wed)	Amount (RM)
1														
2														
3														
4														
5														

Company Address: .....

Tel: ..... Fax: ..... Email: .....  
Contact Person: ..... Date : .....

## Registration Fees

Deadline: Monday, 4 <sup>th</sup> March 2019	Fee (per Session)	Six Sessions (per Pax)	All Nine Sessions (per Pax)
<b>Member</b>	<b>RM 490</b>	<b>RM 2,200</b>	<b>RM 3,600</b>
<b>Institution</b> (see table below)	<b>RM 590</b>	<b>RM 3,500</b>	<b>RM 4,400</b>
<b>Non-Member</b>	<b>RM 690</b>	<b>RM 4,000</b>	<b>RM 5,200</b>
<b>Group of 3-5</b>	<b>Less 5%</b>	<b>Less 5%</b>	<b>Less 5%</b>
<b>Group 6 &amp; Above</b>	<b>Less 10%</b>	<b>Less 10%</b>	<b>Less 10%</b>

- Early-bird registration will be entitled to further 5% discount on the above captioned fee.
- Fee is inclusive of the conference proceedings, materials, refreshment and lunch.
- Fee is exclusive of SST 6% charges.

## Payment Details

Please Tick ( ✓ )	Payment Method	Cheque No
	By Cheque	
	A copy of Bank-in Slip / Telegraphic Transfer to "Master Builders Association Malaysia" enclosed. <b>MAYBANK ACCOUNT NO: 014-114-430-810</b>	

**NOTE:**

- 1 Registration is confirmed upon receipt of payment only. Please make payment to **Master Builders Association Malaysia** attach with duly completed registration form and send/fax to **MBAM, at least 3 days** before the session commences.
- 2 Cancellation request more than one week prior to the training shall be subjected to a thirty percent (30%) service charge. No refund for cancellation request received less than one week prior to the training. However substitute participants are welcome at no extra cost.
- 3 The Organiser reserves the rights to change the contents, venue, date and time of the training programme if necessary. In any case, the Organiser's liability shall be limited to a refund on the session fee paid only.

<b>Institution</b>	<b>Building Industry Presidents Council (BIPC)</b> institutions as follows: <ul style="list-style-type: none"> <li>• Association of Consulting Engineers Malaysia (ACEM)</li> <li>• The Institution Of Engineers Malaysia (IEM)</li> <li>• Malaysian Institute of Planners (MIP)</li> <li>• Persatuan Akitek Malaysia (PAM)</li> <li>• Real Estate And Housing Developers' Association Malaysia (REHDA)</li> <li>• Royal Institution of Surveyors Malaysia (RISM)</li> </ul>
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